1

2

3

4

5

6

7

8

9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA**

11 **SAN JOSE DIVISION**

12

13 IN RE HIGH-TECH EMPLOYEE ANTITRUST LITIGATION	Master Docket No. 11-CV-2509-LHK
14	**SUPPLEMENTAL DECLARATION OF PROFESSOR KEVIN M. MURPHY IN**
15 THIS DOCUMENT RELATES TO:	**SUPPORT OF ADMINISTRATIVE MOTION FOR LEAVE TO SUPPLEMENT**
16 ALL ACTIONS	**THE RECORD**

17 Date: January 17, 2013
Time: 1:30 p.m.
18 Courtroom: 8, 4th Floor
Judge: Honorable Lucy H. Koh

19

20

21

22

23

24

25

26

27

28

1

1   I, Kevin M. Murphy, declare as follows:

2   1.   On November 12, 2012, I submitted an expert report in support of Defendants'

3 Opposition to Plaintiffs' Motion for Class Certification. I submit this declaration in support of

4 Defendants' Administrative Motion for Leave to Supplement the Record. I make this declaration

5 based on my personal knowledge and information provided to me and, if called to testify as a

6 witness, I could and would do so competently.

7   2.   On December 10, 2012, Plaintiffs submitted a reply expert report from their

8 expert, Dr. Edward E. Leamer ("Reply Report"). At paragraph 63 of his Reply Report, Dr.

9 Leamer cites an example of ███████████████████████

10 ██

11 ███████   In a December 12, 2012 letter to the Court, ███████████

12 ██████████████████████████████. Additionally, at paragraph 64

13 of his Reply Report, Dr. Leamer cites an example of ████████████████

14 ██

15 ███████████. This information was not provided in Dr. Leamer's initial expert report.

16   3.   Attached as Exhibit A hereto are tables with data showing compensation and job

17 titles for these same 28 Intel employees and 4 Apple employees over time:

18   •   Page 1 provides the base salaries for each of the 28 Intel employees for the years

19 2007 to 2011. The columns on the far right show the dollar and percentage increases in base

20 salary for each employee during this period, and the bottom rows show the minimum and

21 maximum base salaries each year and the ranges between them.

22   •   Page 2 provides the total compensation (including base salaries, bonuses, and

23 equity compensation) for each of the 28 Intel employees for the years 2007 to 2011. The columns

24 on the far right show the increases in total compensation for each employee during this period,

25 and the bottom rows show the minimum and maximum total compensation each year and the
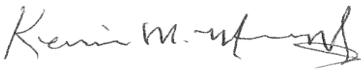
26 corresponding ranges.

27   •   Page 3 provides the job titles of each of the 28 Intel employees in each year from

28 2007 to 2011.

- 2 -

1 •   Pages 4-6 provide this same data for the 4 Apple employees referenced in Dr.

2 Leamer's Reply Report for the years 2008 to 2011.

3   4.   The foregoing is based on Defendants' employee compensation data as provided in

4 Dr. Leamer's backup materials.

5   I declare under penalty of perjury under the laws of the United States that the above is true
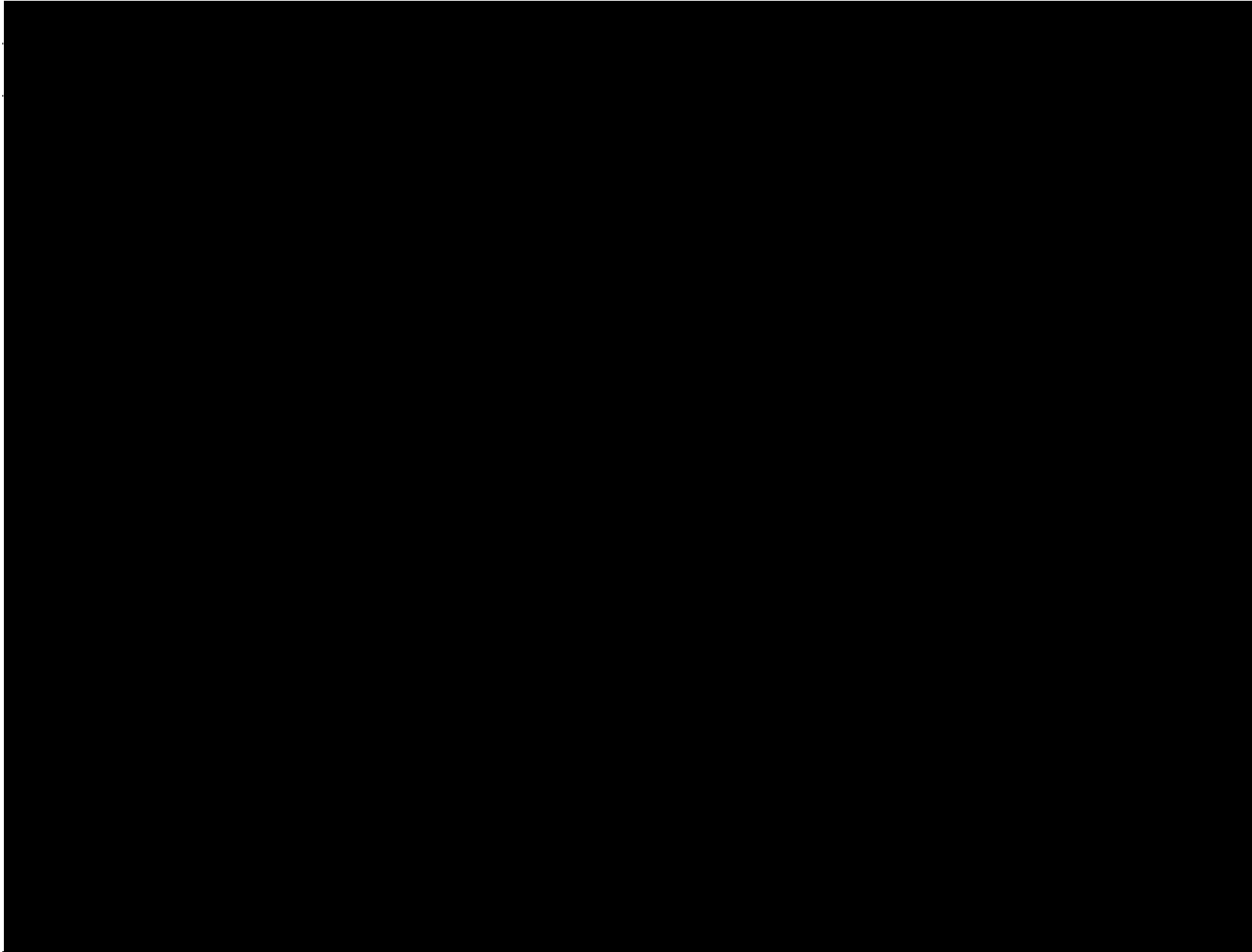
6 and correct.

7   Executed on January 9, 2013, in Chicago, Illinois.

8

9   By: _____

10   Kevin M. Murphy

11

12 **ATTESTATION**: Pursuant to General Order 45, Part X-B, the filer attests that concurrence in

13 the filing of this document has been obtained from its signatory.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

MURPHY DECLARATION ISO ADMIN. MOT.
FOR LEAVE TO SUPPLEMENT THE RECORD
NO. 11-CV-2509-LHK

Exhibit A

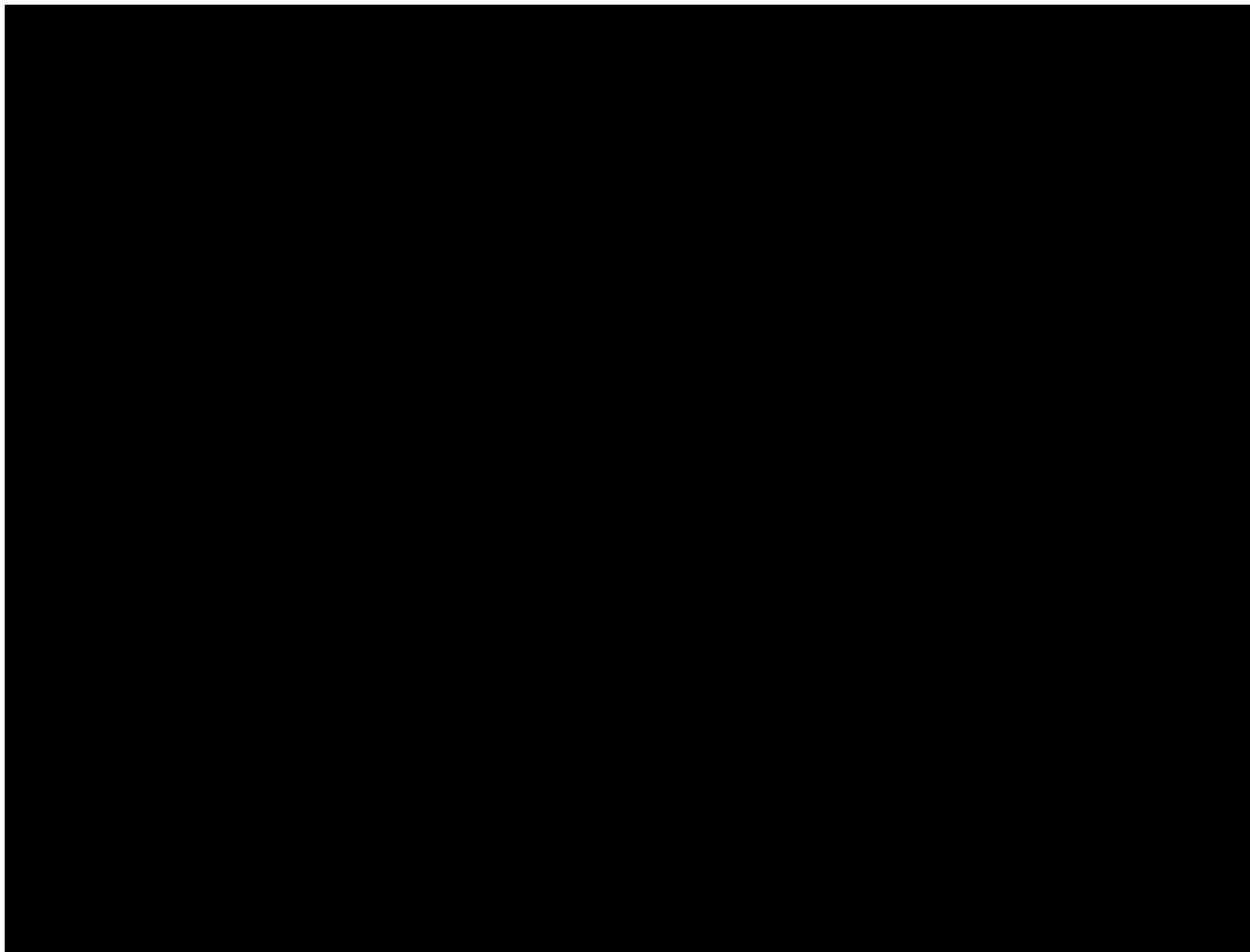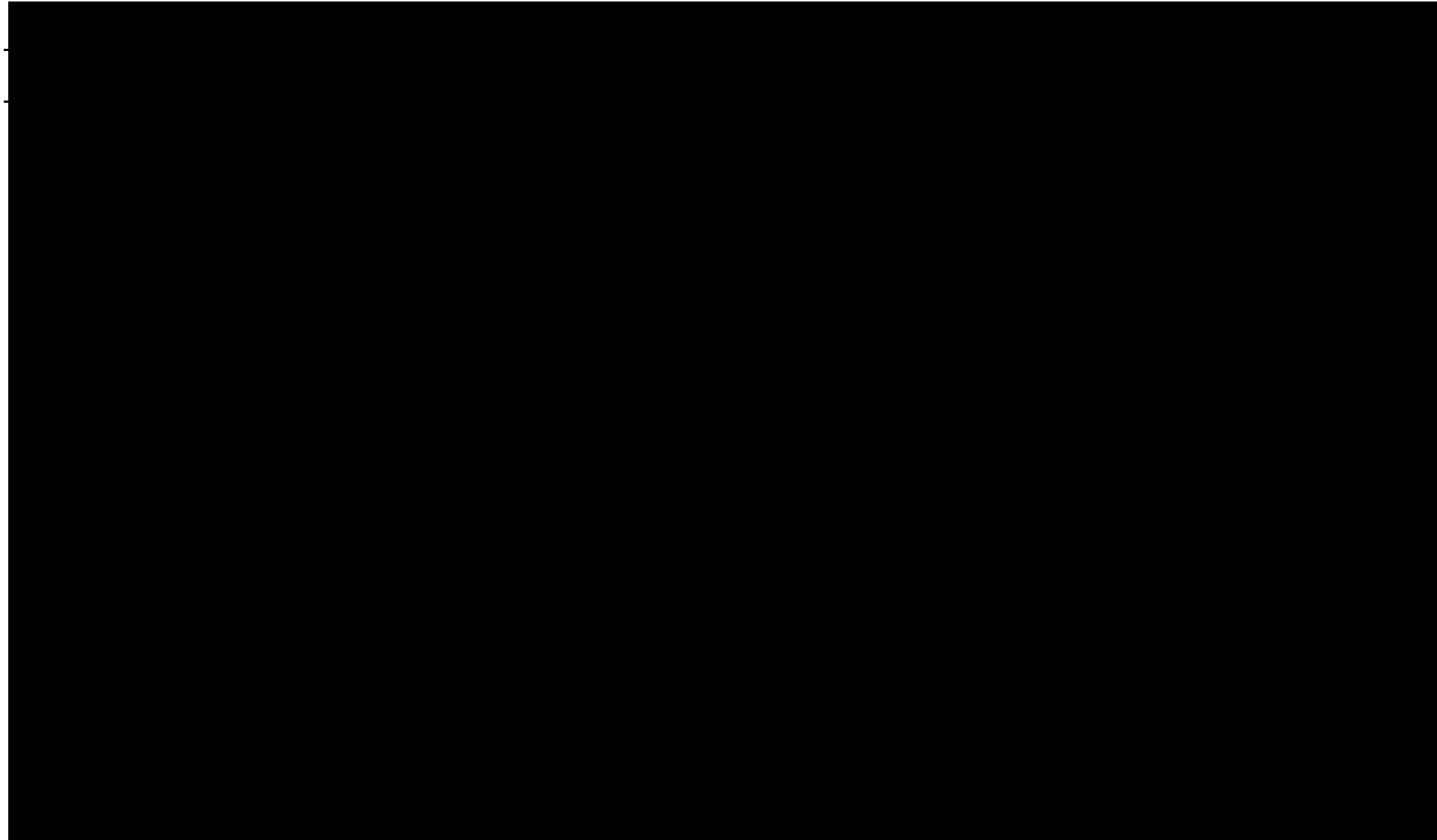## Base Salary Growth of 28 Similarly Situated Intel Employees

Note: The Dollar Range Percentage is calculated as the difference between the logs of the maximum and minimum.

Sources: Dr. Leamer's backup data; Dr. Leamer's Reply Report at ¶63 and December 12, 2012 Correction Letter.
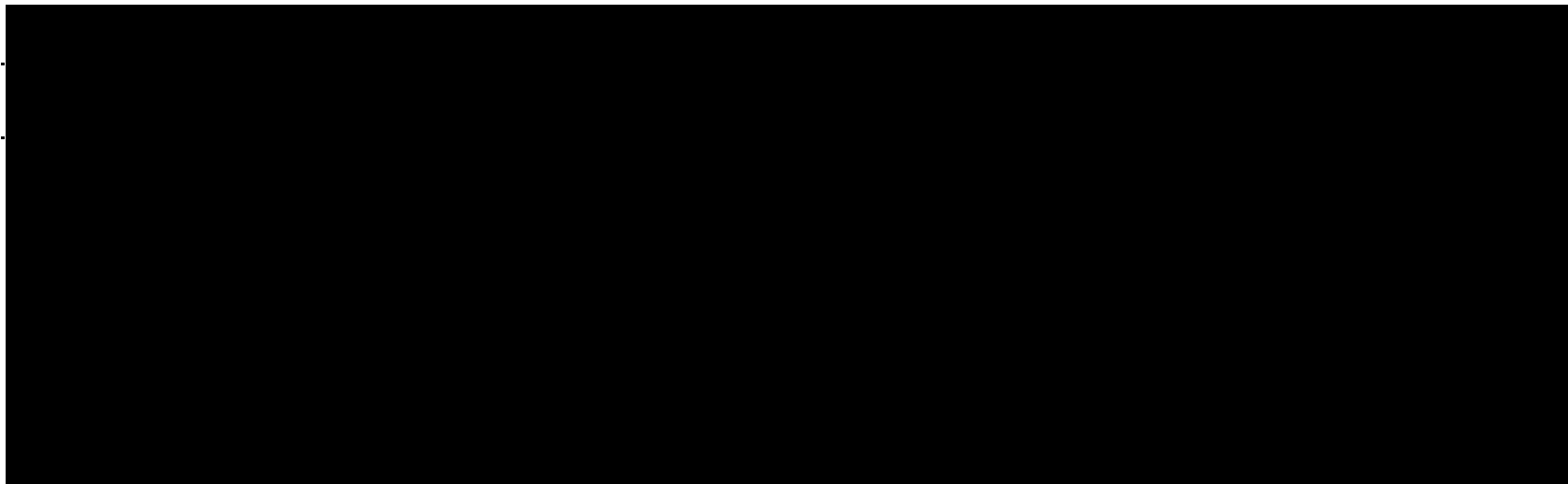
Total Compensation Growth of 28 Similarly Situated Intel Employees

Note: The Dollar Range Percentage is calculated as the difference between the logs of the maximum and minimum.

Sources: Dr. Leamer's backup data; Dr. Leamer's Reply Report at ¶63 and December 12, 2012 Correction Letter.

Job Progressions of 28 Similarly Situated Intel Employees

Sources: Dr. Leamer's backup data; Dr. Leamer's Reply Report at ¶63 and December 12, 2012 Correction Letter.
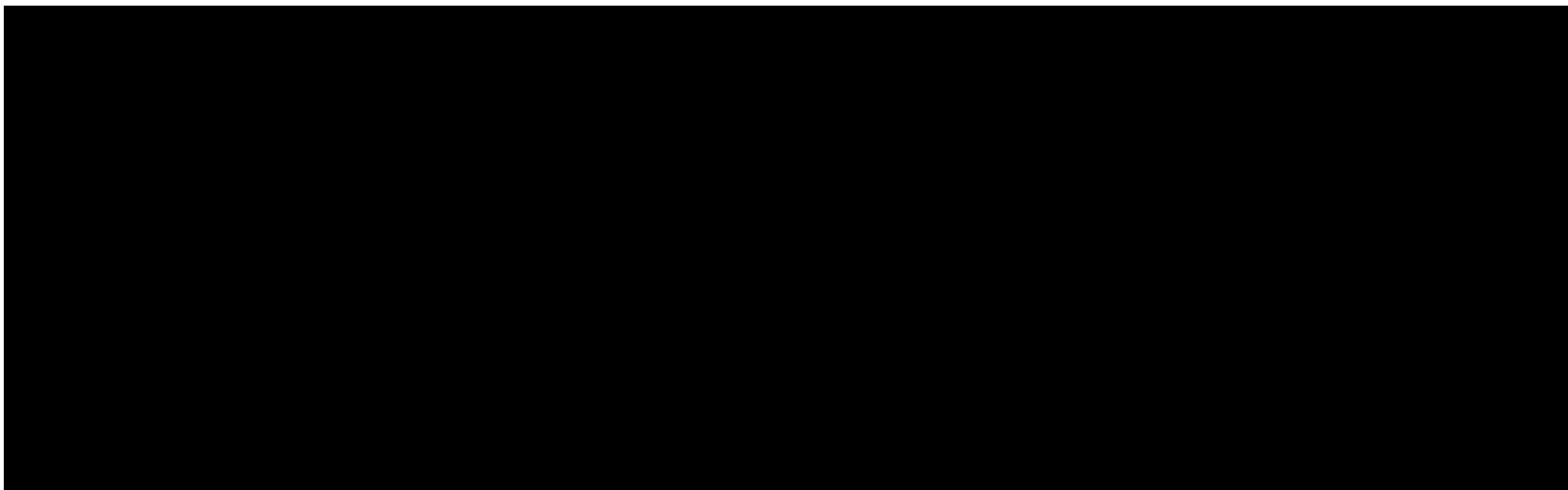
Base Salary Growth of 4 Similarly Situated Apple Employees

Note: The Dollar Range Percentage is calculated as the difference between the logs of the maximum and minimum.

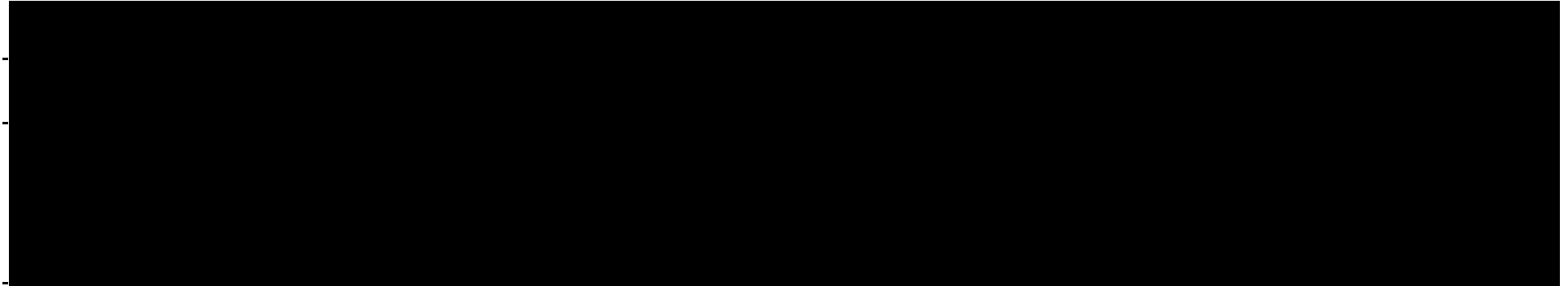Sources: Dr. Leamer's backup data; Dr. Leamer's Reply Report at ¶64.

Total Compensation Growth of 4 Similarly Situated Apple Employees

Note: The Dollar Range Percentage is calculated as the difference between the logs of the maximum and minimum.

Sources: Dr. Leamer's backup data; Dr. Leamer's Reply Report at ¶64.

Job Progressions of 4 Similarly Situated Apple Employees

Sources: Dr. Leamer's backup data; Dr. Leamer's Reply Report at ¶64.